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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

Maria Ulloa fka Maria Gomez, individually;

Plaintiff,

vs.

Cardenas Markets, LLC dba Cardenas, a foreign  
limited liability company; Doe Manager,  
individually; Does I-X; and Roe Corporations I-X,  
inclusive

Defendant.

Case No.: 2:22-cv-213

**Cardenas Markets, LLC's Petition for  
Removal**

Cardenas Markets, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges she is a Nevadan.<sup>1</sup> Cardenas Markets, LLC's sole member is Cardenas Holdings, LLC, whose sole member is Hispanic Food Holdings, LLC. Hispanic Food Holdings, LLC's members are 1) Cardenas Markets, Inc, a California entity with its principal place of business in California; 2) NMFP Holdings, Inc., a California entity with its principal place of business in California; and 3) Train Investment Trust, whose trustee is a California citizen. Plaintiff alleges injury from an incident that occurred on November 3, 2019.<sup>2</sup> As to the amount in controversy, on February 2, 2022 Plaintiff filed a motion in state court to exempt her case from a program intended for cases where the amount in controversy is \$50,000 or less.

<sup>1</sup> ECF No. 1-3 at ¶ 1.

<sup>2</sup> *Id.* at ¶¶ 5-8.

1 Plaintiff asserted exemption was warranted because Plaintiff has medical bills and an income loss  
 2 that exceeds \$48,303.40.<sup>3</sup> She further argued her “general damages are in an amount well in  
 3 excess of \$15,000....”<sup>4</sup> The combined damages are at least \$63,303.40.

4 In prior cases in this district, the types of injuries and damages asserted here have indicated  
 5 an amount in controversy exceeding \$75,000. In *Doelamo v. Karl-Heinz* the defendant argued  
 6 more than \$75,000 was in dispute because plaintiff alleged “approximately \$22,000 in past  
 7 medical damages, and he argues that it is more likely than not that if Plaintiff is successful on his  
 8 claims for lost wages, future medical damages for his ‘permanent’ condition(s), past and future  
 9 pain and suffering, and attorney’s fees, he will recover more than \$75,000 total in the case.”<sup>5</sup> This  
 10 was sufficient to create subject matter jurisdiction.

11 In the Court’s experience, a personal injury claim including \$22,000 in past medical  
 12 bills will normally include a plea to a jury for several times this amount in future  
 13 medical bills, particularly where one alleges a permanent condition related to the  
 14 injury. The Court can conclude this without even considering pain and suffering, lost  
 15 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it  
 is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little  
 doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this  
 Court or in state court.

16 In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and  
 17 future medical treatment and property damage.<sup>6</sup> “The remaining question is whether more than  
 18 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of  
 19 life, compensatory damages, attorney’s fees, and costs. It almost certainly is.”

20 In *Perreault v. Wal-Mart Stores, Inc.* the complaint sought an amount in excess of  
 21 \$10,000.00, as well as special damages, reasonable attorney’s fees, costs, and other appropriate  
 22 relief.<sup>7</sup> The plaintiff provided an itemized list of her then-current medical costs, totaling  
 23 \$38,769.60 and noted that her medical bills were continuing to “trickle in.” The amount in  
 24 controversy threshold was satisfied as “it appears likely that plaintiff’s total requested damages  
 25 exceed \$75,000.00.”

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26 <sup>3</sup> ECF No. 1-7 at 3.

27 <sup>4</sup> *Id.*

28 <sup>5</sup> No. 2:14-cv-339, 2014 U.S. Dist. LEXIS 72664 (D. Nev. May 27, 2014).

<sup>6</sup> No. 2:13-cv-316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

<sup>7</sup> No. 2:16-cv-809, 2016 U.S. Dist. LEXIS 115591 (D. Nev. Aug. 29, 2016).

Given these facts, diversity of citizenship is present, the amount in controversy exceeds \$75,000, and the removal petition was timely filed.

DATED this 4<sup>th</sup> day of February, 2022.



BY: /s/ Michael Lowry

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### Certificate of Service

Pursuant to Rule 5, I certify on February 4, 2022, I served **Cardenas Markets, LLC's**

**Petition for Removal** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Ruiz Law Firm 1055 Whitney Ranch Drive, Suite 110 Henderson, NV 89014 Attorneys for Plaintiff	
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BY: /s/ Michael Lowry